

FILED
AUG 03 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

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Counsel for Defendant MICHAEL RODRIGUEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-10-512 MEJ
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO SPECIALLY SET HEARING
vs.)	
)	Current Date: August 11, 2011, at 10:00 a.m.
)	Proposed Date: August 8 or 9, 2011
MICHAEL RODRIGUEZ)	
)	
Defendant.)	

1. Mr. Rodriguez made his initial appearance on a probation violation on June 9, 2011, before Magistrate Judge Laporte. At that time, Mr. Rodriguez consented to be detained and the Court ordered that a mental health evaluation be conducted in the jail. He was scheduled to return to Court on June 30, 2011, for further proceedings.
2. The parties stipulated to move Mr. Rodriguez's hearing to August 11, given the difficulties with obtaining and scheduling a mental health evaluation in the jail. Ultimately, the parties were not able to find a way for Mr. Rodriguez to be evaluated while in custody.
3. Probation Officer Jennifer James was, however, able to secure a psychiatric evaluation with a contractor through the probation office, which is scheduled for August 11, 2011, at

8:00 a.m. This interview must take place out of custody.

4. The date of the evaluation, August 11, is the same date that Mr. Rodriguez is to appear in court, which means that, if his hearing is not moved, he will still be in custody and unable to attend the evaluation that has taken two months to schedule.

5. Ms. James has spoken with Mr. Rodriguez's mother, who has agreed to permit him to live with her pending the results of the psychiatric evaluation. The probation office is amenable to Mr. Rodriguez's release.

6. As such, the parties are requesting that the Court specially set this matter for either Monday, August 8, or Tuesday, August 9, in order to permit the Court to release Mr. Rodriguez, set conditions of his release, and afford him adequate time to go home to his mother's house and report for his psychiatric evaluation on August 11.

IT IS SO STIPULATED.

8/2/11

/s/

DATED

ACADIA SENESE
Assistant United States Attorney

8/2/11

/s/

DATED

RITA BOSWORTH
Assistant Federal Public Defender


1 Mr. Rodriguez's hearing shall be re-scheduled for

8-9-11 at 9:30

2 IT IS SO ORDERED.

3
4
5 DATED

8/3/11


6 MARIA ELENA JAMES
7 United States Magistrate Judge
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